

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i>)	
State Engineer)	
)	
PLAINTIFF,)	69cv07941-BB/LFG
)	
v.)	RIO CHAMA STREAM SYSTEM
)	Section7: Tierra Amarilla,
ROMAN ARAGON, <i>et al.</i>)	Rio Brazos, Rutherford & Plaza
)	Blanca, Cañones Creek, Village of
DEFENDANTS.)	Chama
_____)	

**MB COMMUNITY DITCH ASSOCIATION'S
MOTION TO INTERVENE AS A PARTY DEFENDANT**

COMES NOW, the MB Community Ditch Association, a New Mexico political subdivision ("MB Ditch"), and, pursuant to Federal Rule of Civil Procedure 24, hereby moves to intervene in the above cause of action as a party defendant. As grounds therefore, MB Ditch states as follows:

1. The MB Ditch is a political subdivision of the State of New Mexico formed pursuant to the terms of NMSA 1978, § 73-2-11 *et seq.* to serve "those persons who own an interest in the MB Ditch or the water therein." Art. I, § 1, Restated Bylaws, MB Community Ditch Association.

2. The State has named the individual water users who are members of the MB Ditch as defendants and served them with offers of judgment, but the MB Ditch itself has not yet been made a party to this subproceeding.

3. The MB Ditch has a direct, substantial, and legally protectable interest in fulfilling its statutory responsibility to release water into the ditch for the benefit of its members. As a result, the disposition of this subproceeding will significantly impact the MB Ditch.

4. The MB Ditch and its members share common interests with other parties in this litigation relating to the law and the facts that will determine the water rights which are the subject of this subproceeding.

5. None of the existing parties in this matter can adequately represent MB Ditch's interests in operating its headgate and distributing water to its members.

6. Allowing MB Ditch to intervene in this matter will not cause any unnecessary delay in this subproceeding, nor will it prejudice the rights of any other party. The adjudication process has not yet begun to determine the "duty" of water for the individual members of the MB Ditch, nor has it begun to determine the Project Diversion Requirement for the MB Ditch.

7. At least 69 acequias and/or ditch associations similarly situated to MB Ditch are already parties to this proceeding.

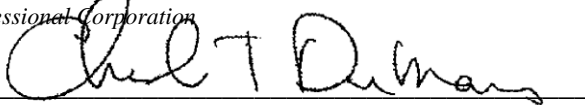
8. Ed Newville, on behalf of the State, has been contacted and does not oppose this Motion.

WHEREFORE, the MB Ditch respectfully requests leave to intervene in and become a party and participate in this proceeding and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

LAW & RESOURCE PLANNING ASSOCIATES,
A Professional Corporation

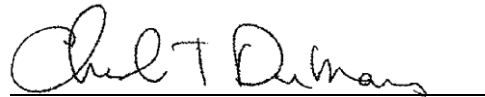
By: _____



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CERTIFICATE OF SERVICE

I certify that on this 27th day of June, 2012, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means.


Charles T. DuMars